



Illinois Department of Corrections

Administrative Directive

Number:

01.07.820

Title:

Criminal History Record Information

Effective:

4/1/2021

Authorized by:

[Original Authorized Copy on File]

Rob Jeffreys
Acting Director

Supersedes:

01.07.820 effective 6/1/2015

Authority:

20 ILCS 2635/8 and 730 ILCS 5/3-2-2
20 IAC 107, 1210 and 1510

Related ACA Standards:

5-ACI-1E-01, 04 and 05, 5-ACI-1F-01, 02 and 08

Referenced Policies:

Referenced Forms:

DOC 0296 – Offender Authorization for Payment
FD-249 – FBI Fingerprint Card
ISP 6-408 – Illinois State Police (ISP) Access and Review

I. POLICY

The Department shall afford offenders the opportunity to access and review their criminal history information and to challenge any erroneous information contained therein.

II. PROCEDURE

A. Purpose

The purpose of this directive is to provide instructions to staff for providing offenders with the opportunity to exercise their rights to access and review their criminal history information.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. General Provisions

1. In all facilities, excluding Transitional Security facilities, offenders shall be advised to direct requests for access and review of criminal history record to the facility Bureau of Identification (B of I) office.
2. In Transitional Security facilities, offenders shall be advised to contact their counselors for access and review of criminal history records. The counselor shall either be guided by this directive or make arrangements for the offender to make his or her request at a local law enforcement agency or licensed fingerprint vendor or agency.
3. Facilities shall maintain a stock of the Illinois State Police (ISP) Access and Review, ISP 6-408, for use by offenders in the event the Livescan Digital Fingerprint System is unable to electronically transmit offender information.

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F. Illinois Criminal History Record Information

1. Request for Access and Review

An offender requesting to review a copy of his or her criminal history record (transcript), including State or local criminal justice agency entries, is required by the ISP to file his or her request through the facility. B of I staff or the offender's counselor, as applicable, shall:

- a. Inform the offender of applicable processing fees, if any, and ensure that he or she submits an Offender Authorization for Payment, DOC 0296, for same. If the offender is without funds, the processing fee shall be taken from the offender's funds as they become available.
- b. Schedule the offender to be brought to the facility B of I office or other designated facility for fingerprinting unless:
 - (1) The offender has recently requested and received a current copy of his or her transcript and no further charges or convictions have been processed; or
 - (2) The offender is currently exercising his or her challenge and appeal rights.
- c. Forward the completed ISP 6-408 to the address indicated on the back of the form within five days of the date of the request and retain a photocopy of the form for facility records.
- d. Within two days of receipt of the transcript by the facility, release the transcript to the offender. If the offender does not retrieve the transcript within 45 days, it shall be destroyed.

NOTE: Effective July 15, 2015, redaction of personal identifying information shall not be required.

2. Record Challenge

When an offender indicates that he or she believes the criminal history record information is incorrect, B of I staff or the offender's counselor, as applicable, shall:

- a. Inform the offender that he or she may challenge the record on the Record Challenge form provided by ISP with the transcript.
- b. Forward the completed Record Challenge form to ISP Bureau of Identification. A photocopy shall be retained for the facility's record and a photocopy shall be provided to the offender.
- c. Within five days of receipt by the facility, provide the offender with a copy of the notice that will indicate whether the corrections requested were approved or denied.
 - (1) All non-criminal justice agencies that have received copies of the record transcript will be notified of approved corrections. The offender will be provided with a copy of a list of these agencies upon written request to the ISP Bureau of Identification.
 - (2) If corrections are denied, in whole or in part, the notice will provide a written explanation of the decision.

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3. **Administrative Review**

If the offender is not satisfied with the explanation of requested corrections that have been denied, B of I staff or the offender's counselor, as applicable, shall:

- a. Advise the offender that he or she may request an administrative review of the decision.
- b. Forward the request to the ISP Bureau of Identification.
- c. Within five days of receipt, provide the offender with a copy of the administrative review decision.

4. **Administrative Appeal**

If the offender's administrative review decision is unfavorable, B of I staff or the offender's counselor, as applicable, shall:

- a. Advise the offender that he or she may, within 56 calendar days from the receipt of the administrative review decision, submit a letter requesting an Administrative Appeal. The offender may also request to be present at a hearing before a representative of the Illinois Criminal Justice Information Authority.

NOTE: When the offender requests to be present at the hearing, the Authority will make arrangements with the Chief Administrative Officer to conduct the hearing at the facility.

- b. Forward the request to the ISP Bureau of Identification, who shall forward to the Illinois Criminal Justice Information Authority.
- c. Within five days of receipt by the facility, provide the offender with a copy of the Authority's decision.

G. **Federal Bureau of Investigation (FBI) Record Transcript**

Upon request, B of I staff or the offender's counselor, as applicable, shall:

1. Advise the offender that he or she may obtain a copy of his or her FBI record by corresponding directly with the FBI and that the following must be submitted with the request:

- a. Complete name, facility register number and, if known, FBI number.
- b. Date and place of birth.
- c. Fingerprints (a set shall be printed on the FBI Fingerprint Card, FD-249, by the facility B of I office or a designated facility).

NOTE: The FD-249 should be marked "F.O.I." (Freedom of Information), in the section for "Reason Fingerprinted."

- d. A certified check or money order in the amount of the current FBI fee, and any other applicable charges.
 - (1) The offender may submit a DOC 0296 to approve a disbursement from his or her trust fund for the amount of the applicable fee.
 - (2) A copy of the offender's trust fund balance may be submitted as proof of indigence, if applicable.

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- e. FBI Applicant Information Form.
 2. Forward the written request and all required information to:

Federal Bureau of Investigation
CJIS Division
Attn: SCU MOD D-2
1000 Custer Hollow Road
Clarksburg, WV 26306
 3. If the offender believes that the record is incorrect or incomplete, he or she may write directly to the agency or law enforcement unit that submitted the information for inclusion on the record to request that the correction be made. The FBI Identification Division will only make changes to the record upon request of the agency or law enforcement unit that initiated the original entry of the information into FBI records.
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